

III. REMARKS

1. Claims 1, 2-5, 8, 9, 11-14, 17, 18, 20, 22-26, 28, 30, 31 are not unpatentable under 35 U.S.C. 103(a) over Davis in view of Boesen.

Claim 1 recites a first detector arrangement and a second detector arrange where the first and second detection arrangements are based on "different principles of detecting a contact between at least one surface of the terminal and the skin of the user." This is not disclosed or suggested by Davis in view of Boesen.

The Examiner acknowledges that the detector arrangements in Davis are not based on different principles of detecting contact between the surface of the terminal and the skin of the user. Boesen does not overcome this deficiency as Boesen does not disclose or suggest first and second detection arrangements based on different principles of detecting a "contact" between at least one surface of the terminal and the "skin" of the user.

Boesen discloses an ear piece 12 that includes a bone conduction sensor 22. (Column 3, lines 16-20). It should be noted that an "ear piece" is not a "surface" of a terminal. While the bone conduction sensor 22 is in contact with a portion of the external auditory canal 34. (Column 3, lines 36-40), there is simply no disclosure or suggestion in Boesen that the bone conduction sensor is used to detect a "contact" between a "surface" of the "terminal" and the "skin" of the user. Rather, the bone conduction sensor 22 is "intended to pick up" the

"vibrations" of the upper wall of the external auditory canal. (Column 3, lines 59-61). This is not the same as what is claimed by Applicant where the detector arrangements are based on principles of "detecting contact between" a "surface" of the "terminal" and the skin of the user.

In addition to the bone conduction sensor 22, the external ear canal portion 20 also includes an "air conduction sensor or microphone 46." (Column 3, line 66 to column 4, line 6). The air conduction sensor 46 processor sound from air transmission. There is no disclosure or suggestion here, let alone any possible practical application, that the air conduction sensor 46 is used to detect a "contact" between a surface of the terminal and the "skin" of the user, as is claimed by Applicant. Again, the air conduction sensor is not used to detect, and also cannot detect, "contact" between the "terminal" and the "skin" of the user.

Thus, the different sensors disclosed in Boesen do not detect contact between a surface of the terminal and the skin of the user. All that Boesen discloses is two different acoustic sensors and Boesen is absolutely silent on detecting contact between a surface of the terminal and the user's skin.

Since neither Davis nor Boesen, or the combination thereof teach two different sensors, which operate according to different principles to detect contact between a surface of the terminal and the skin of the user, claims 1, 26, 28, 30 and 31 are not unpatentable.

Claim 1 also recites that a control operation is provided only if the first and second detection arrangements both output a signal that indicates "contact" between a surface of the "terminal" and the "skin" of the user. This cannot be disclosed or suggested by Davis in view of Boesen. Davis does not disclose two different detector arrangements based on different principles of detecting skin contact. Boesen is silent as to any type of sensor to detect contact between a surface of the terminal and the skin of the user. Thus, neither Davis nor Boesen discloses providing a control operation only if two different detector arrangements (based on different principles of detecting skin contact) both indicate a contact between a surface of the terminal and the skin of the user.

2. Claim 6 is not unpatentable over Davis in view of Boesen in view of Carins at least by reason of its dependency.

3. Claims 7, 10, 15 and 16 are not unpatentable over David, Boesen and Giel at least by reason of their respective dependency.

4. Claim 19 is not unpatentable over Davis, Boesen and Budd at least by reason of its dependency.

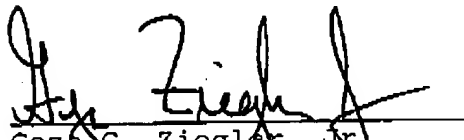
5. Claim 21 is not unpatentable over Davis, Boesen and Makajima at least by reason of its dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior

art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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